



# Public Notice

US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Public Notice Number: 200100435

Date: August 12, 2002

Comments Due: September 12, 2002

In reply, please refer to the Public Notice Number

## TO WHOM IT MAY CONCERN:

**SUBJECT:** Application for a Department of the Army Permit under Section 404 of the Clean Water Act to discharge dredged or fill material into waters of the United States, including wetlands, (waters) to construct the Quail Ridge residential development, including a school and park.

**APPLICANT:** Gary Parker, Reynen & Bardis Development, LLC, 9848 Business Park Drive, Suite H, Sacramento, California 95827-1714

**LOCATION:** The proposed project is located immediately north of Bilby Road, 1 mile west of Bruceville Road, within the East Franklin Specific Plan area, in Section 9, Township 6 North, Range 5 East, in City of Elk Grove, Sacramento County, California. See the attached vicinity map (Sheet 1).

**PROJECT DESCRIPTION:** The applicant is proposing to construct an 803-unit single-family residential development, including a school and park, on an approximately 194-acre site.

The applicant proposes to fill all 2.19 acres of waters on the site, including a channelized drainage (0.82 acre), a seasonal wetland (0.51 acre), and 7 vernal pools (0.86 acre), as a part of grading and project construction. Additionally, a 0.03 acre non-jurisdictional wetland (VP-3) will be directly impacted by the project. See the attached Sheet 2 for construction plans.

An existing storm water detention basin located in the northwest portion of the property would be converted to a drainage channel and connected to an existing drainage channel located immediately west of the project site. This drainage channel would carry storm water runoff from the region westward towards the Stone Lakes National Wildlife area.

**AREA DESCRIPTION:** The predominant land use in the East Franklin Specific Plan area has been agricultural. The majority of the properties have been leveled and hydrologically modified by draining, ditching and irrigation. Construction of single-family residential subdivisions has begun on several of the properties to the north of the project site. The newly-constructed Franklin High School and Toby Johnson Middle School are located on the parcel immediately to the north of the project site. The applicant has stated the properties immediately south of the project site are currently managed as irrigated pasture and crop land.

The north-south channelized drainage along the western property boundary supports a mix of seasonal wetland and emergent marsh vegetation characterized by tall flatsedge (*Cyperus eragrostis*), dallis grass (*Paspalum dilatatum*), annual rabbit-foot grass (*Polypogon monspeliensis*), cattails (*Typha sp.*), penny royal (*Mentha pulegium*), and willows (*Salix sp.*). The seasonal wetland (SW-1) in the southwest corner of the property is dominated by Carter's buttercup (*Ranunculus alveolatus*) with associated species such as perennial rye (*Lolium perenne*), curly dock (*Rumex crispus*), Mediterranean barley (*Hordeum hystrix*), buttercup (*Ranunculus sp.*) and tall flatsedge (*Cyperus eragrostis*). Additionally, a 0.03-acre vernal pool (VP-3) was determined to be isolated and non-jurisdictional. Although this feature is not included in the total acreage of waters proposed to be filled, it is considered potential habitat for federally-listed vernal pool invertebrates, and is proposed by the applicant to be mitigated as such.

#### **ADDITIONAL INFORMATION:**

On April 4, 2002, the Corps received a notice that the applicant intended to initiate construction and provide setbacks of at least 250 feet from all seasonal wetlands and 50 feet from the channelized drainage.

**Endangered or Threatened Species:** The applicant has stated that dry season sampling for the federally-listed vernal pool invertebrates (fairy shrimp) was conducted for the project site in August 2001. Of the eight vernal pools sampled, cysts of *Branchinecta* species were found in four; VP-5, 6, 7 and 8, as shown on the attached Sheet 2, totalling 0.40 acre. VP-1 and VP-2 were sampled during the 2002 wet season; no large branchiopods were found in either pool. No protocol-level wet-season surveys were conducted in VP-3 or VP-4.

All the vernal pools are considered potential habitat for federally-listed vernal pool invertebrates. Pursuant to the Endangered Species Act, the Corps has initiated Section 7 consultation with the U.S. Fish and Wildlife Service for impacts which may affect federally-endangered or threatened species.

**Cultural Resources:** No cultural resources have been identified on the project site. The applicant has stated that if during grading activities previously unknown cultural resources are unearthed, work will stop until such resources can be evaluated by a qualified archaeologist, and appropriate state and federal laws are complied with.

**Mitigation:** The applicant proposes to mitigate for impacts to the 0.44 acre of potential fairy shrimp habitat through the purchase of mitigation credits at an approved mitigation bank, in accordance with the U.S. Fish and Wildlife Service's February 28, 1996, Programmatic Section 7 Consultation for impacts to listed vernal pool invertebrates. Proposed mitigation for impacts to the remainder of the waters on the project site (0.45 acre vernal pool, 0.51 acre seasonal wetland, and 0.82 acre channelized drainage) is the purchase of seasonal wetland credits at an approved mitigation bank, at a 1:1 ratio. These credits are proposed to be purchased prior to filling the waters on the property.

**Alternatives Analysis:** No alternatives information has been provided by the applicant or their agent.

**Other federal, state, and local permits:** The applicant has stated they applied for 401 Water Quality Certification from the Regional Water Quality Control Board, a 1603 Agreement with the California Department of Fish and Game and a tentative map was also approved by the City of Elk Grove on January 17, 2002 (EG-00-139). No other related permit information has been provided by the applicant. Development of infrastructure and other components of the East Franklin Specific Plan may require separate permits under Section 404 of the Clean Water Act.

**The District Engineer has made these determinations based on information provided by the applicant and on the Corps' preliminary investigation.**

**Consideration of Comments:** Interested parties are invited to submit written comments on or before **September 12, 2002**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice may be obtained through our web-site at [www.spk.usace.army.mil/cespk-co/regulatory/PNs](http://www.spk.usace.army.mil/cespk-co/regulatory/PNs). If additional information is required, please contact Justin Cutler, Room 1480 at the letterhead address, e-mail: Justin.Cutler@usace.army.mil, or telephone 916-557-5258.

Michael J. Conrad, Jr.  
Colonel, Corps of Engineers  
District Engineer

Attachments: 2 Drawings